

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
No.: 1:13-cv-01312-SAG**

BRUCE A. HAKE, et al.,)
Plaintiffs,)
v.)
CARROLL COUNTY, Maryland, by its Board)
of County Commissioners)
Defendant.)

CONSENT DECREE

1. *Procedural Background:* On May 1, 2013, Plaintiffs filed their verified complaint and a motion for a preliminary injunction. (ECF Docs. 1 & 2). On June 10, 2013, Plaintiffs filed an amended complaint (Doc. 12) challenging Defendant's policy of opening Carroll County Board of Commission meetings with Commissioner-led sectarian Christian prayers.

2. *Jurisdiction:* Plaintiffs have standing to bring their claims, and the Court has jurisdiction to hear Plaintiffs' claims under 42 U.S.C. § 1983.

3. *Parties:* This Consent Decree is entered into between the American Humanist Association, Bruce A. Hake, Cornelius M. Ridgely, Lauren Graybill, and Judy Smith ("Plaintiffs") and the Carroll County Board of Commissioners ("Defendant") collectively referred to as "the Parties." The Parties agree to compromise, resolve, and discharge all claims in this action based on the terms and conditions set forth in this Enforceable Settlement Agreement.

Disposition of the Case

It is hereby ORDERED, ADJUDGED, and DECREED:

4. The following definitions shall apply to this Consent Decree:

- a. "Prayer" means a verbal communication with a purported deity or deities that seeks guidance, assistance or intervention of any kind, or a blessing. "Prayer" does not include brief customary expressions or greetings such as "God Bless You," "Thank God!" or "Thank Heavens!" Prayer does not include a moment of silence or secular invocation.
- b. "Public Meeting" means any meeting of the Carroll County Board of Commissioners that is open to the public. It includes actions of the Board that occur before the gavel falls.

5. Defendant shall pay nominal damages in the amount of \$1.00 to each Plaintiff for the violations of Plaintiffs' rights under the First and Fourteenth Amendments to the U.S. Constitution.

6. Pursuant to 42 U.S.C. § 1988, Defendant shall pay Plaintiffs' attorneys \$125,000.00 within 60 days.

7. In keeping with the holding of the Fourth Circuit in *Lund v. Rowan County*, 863 F. 3d 268 (4th Cir. 2017), Defendant is enjoined from knowingly, intentionally, or negligently: (i) allowing any prayer to be delivered by a public official or public employee at any public meeting; (ii) requesting, encouraging, or signaling audience members to stand or otherwise participate in prayer at public meetings; and (iii) promoting prayer in official policies and practices of the Defendant, including in the Defendant's "Ten Governing Principles." Defendant may open public meetings with a moment of silence. Any policy that modifies this injunction must be approved by the Court by way of a properly-filed motion to modify the injunction under this docket.

SO ORDERED, on this 10 day of Sept, 2019



Magistrate
Ellen L. Hollander, U.S. District Court Judge
Stephanie A. Gallagher

By the undersigned signatures, all Parties agree to the entry of this Order

Date: September 9, 2019

s/ Timothy C. Burke

Timothy C. Burke
County Attorney, Carroll County
225 North Center St.
Westminster, MD 21157
For Defendants

s/ David C. Gibbs III

David C. Gibbs III
Gibbs Law Firm PA
2650 FM 407 Ste 255
Bartonville, TX 76226
For Defendants

s/ Monica L. Miller

Monica L. Miller
American Humanist Association
1821 Jefferson Pl. NW
Washington, DC, 20036
For Plaintiffs